

MANISTEE CITY
ZONING BOARD OF APPEALS

Meeting of May 28, 2019
5:30 p.m. - Council Chambers, City Hall, 70 Maple Street,
Manistee, Michigan

AGENDA

I CALL TO ORDER

II ROLL CALL

III APPROVAL OF AGENDA

At this time the Zoning Board of Appeals can take action to approve the May 28, 2019 Agenda.

IV APPROVAL OF MINUTES

At this time Zoning Board of Appeals can take action to approve the February 21, 2019 meeting Minutes.

V PUBLIC HEARING

- Variance Request – 505 Pine St. Parcel #51-371-701-16.

VI BUSINESS SESSION:

- 505 Pine St. Parcel #51-371-701-16
 - Take action of request from Dale Cooper for variance to decrease setback for attached building.

VII PUBLIC COMMENTS AND COMMUNICATIONS

At this time the Chair will ask if there are any public comments.

VIII ADJOURNMENT

- **Chair**

At this time the meeting was turned over to Rob Carson who asked for nominations for the position of Chair.

Duane Jones nominated John Perschbacher for position of Chair.
John Perschbacher accepted.

There being no other nominations, nominations were closed.

With a roll call vote, John Perschbacher was elected Chair of the Zoning Board of Appeals for 2019.

Yes: Zaring, Johnson, Jones, McBride, Perschbacher

- **Vice-Chair**

At this time the meeting was turned over to Chair Perschbacher who asked for nominations for the position of Vice Chair.

Denis Johnson nominated Glenn Zaring for position of Vice Chair.
Glenn Zaring accepted.

There being no other nominations, nominations were closed.

With a roll call vote, Glenn Zaring was elected Vice Chair of the Zoning Board of Appeals for 2019.

Yes: Zaring, Johnson, Jones, McBride, Perschbacher

- **Secretary**

Glenn Zaring nominated Duane Jones for position of Secretary.
Duane Jones accepted.

There being no other nominations, nominations were closed.

With a roll call vote, Duane Jones was elected Secretary of the Zoning Board of Appeals for 2019.

Yes: Zaring, Johnson, Jones, McBride, Perschbacher

- **Appointment of a Recording Secretary 2019**

Once elected, the Secretary may appoint a Recording Secretary to handle the administrative functions of the office.

Duane Jones appointed Nancy Baker to act as the Recording Secretary for the Zoning Board of Appeals for the year 2019.

MANISTEE CITY ZONING BOARD OF APPEALS

City Hall, 70 Maple Street
Manistee, MI 49660

**ORGANIZATIONAL
MEETING MINUTES**

February 21, 2019

A meeting of the Manistee City Zoning Board of Appeals was held on February 21, 2019 at 5:30 pm in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

MEMBERS PRESENT: Denis Johnson, Duane Jones, Marlene McBride, John Perschbacher, Glenn Zaring

MEMBER ABSENT: None

OTHERS Robert Carson (Planning & Zoning Director), Nancy Baker (Recording Secretary)

The meeting was called to order at 5:30 p.m. by Chairman Perschbacher

APPROVAL OF AGENDA:

MOTION by Duane Jones, seconded by Denis Johnson to approve the Agenda as prepared.

With a voice vote this MOTION PASSED UNANIMOUSLY

APPROVAL OF MINUTES:

MOTION by Glenn Zaring, seconded by Denis Johnson to approve the July 26, 2018 Zoning Board of Appeals Meeting Minutes.

With a voice vote this MOTION PASSED UNANIMOUSLY

PUBLIC HEARING:

None

BUSINESS SESSION:

Election of Officers 2019

According to the By-Laws of the City of Manistee Zoning Board of Appeals their annual election of Officers was held at the February Organizational Meeting.

By Law Review

According to the By-Laws, the City of Zoning Board of Appeals shall annually review their By-Laws at February's Organizational Meeting.

John Perschbacher, Chair ZBA- Mr. Perschbacher addressed the idea of having Mary Riley, MSUE, attend a ZBA meeting to speak on Zoning By-Laws and offer training on the matter. He suggested the meeting take place in April 2019.

Rob Carson, Planning and Zoning Director- Mr. Carson stated if the ZBA rules and procedures in the By-laws are clearly and properly worded then most zoning situations will be answered by the By-laws. The board should present their questions for appeals to Ms. Riley when she comes to present to the ZBA.

MOTION by Glenn Zaring, seconded by Denis Johnson to extend an April 2019 invitation to Mary Riley, of MSUE, to present an education session regarding Zoning By-Laws.

With a voice vote this MOTION PASSED UNANIMOUSLY

Old Business:

None

Other Business of the Appeals Board:

None

QUESTIONS, CONCERNS OF CITIZENS IN ATTENDANCE:

None

ADJOURNMENT:

There being no further business MOTION by Denis Johnson, seconded by Marlene McBride for the meeting to be adjourned.

Meeting adjourned at 6:02 p.m.

Respectfully Submitted

Nancy Baker, Recording Secretary



PLANNING DEPARTMENT
Kyle Storey
Zoning Administrator
395 Third St. Manistee, Michigan 49660
(231) 398-3576
Fax (231) 398-3526
kstorey@manisteecountymi.gov

Date: 5/28/2019

To: City of Manistee: Zoning Board of Appeals

From: Kyle Storey – City of Manistee Zoning Administrator

Subject: Parcel # 51-371-701-16 505 Pine St. Variance Request

Dear Board Members,

- The attached documents pertain to a variance request at 505 Pine St. Manistee, MI 49660. A Zoning Variance is “a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the Ordinance would result in unnecessary or practical difficulty.”
- The Applicant is requesting a decrease in side setback for an attached accessory building (garage). The variance request is for a decrease on the North Side lot line setback from 10’ to 1’8” at 505 Pine St. Manistee, MI 49660 on parcel #51-371-701-16.
 - Applied for a Residential Land Use Permit and was denied on Mar. 25, 2019
 - Reason: does not meet dimensional standards thus applied for variance

**PAID**

Zoning Board of Appeals/Planning & Zoning

City Hall

APR 30 2019

Edward Bradford
CITY TREASURER

70 Maple Street

Manistee, MI 49660

231.398.2806 (phone)

231.723.1546 (fax)

Request for Appeal

City of Manistee Zoning Board of Appeals

Please Print

| Submission of Application | | |
|--|---------------------|------------------------------|
| After receipt of a complete application a public will be scheduled. You will receive written notice from the City indicating the date and time. You or your representative should be present at the hearing to explain your request to the Board and to answer any questions that they may have. After the hearing, the Board of Appeals will make a decision to approve, approve with conditions, or deny your request. You will receive written notice of their decision. Each application shall be accompanied by the payment of a fee \$750.00 in accordance with the schedule of fees adopted by the City Council to cover the costs of processing the application. | | |
| Applicant Information | | |
| Name of Owner: Dale Cooper JR | | |
| Address: 505 Pine St Manistee MI 49660 | | |
| Phone #: | Cell#: | e-mail: |
| Name of Agent (if applicable): Jess Henry dba Henry Construction | | |
| Address: 3899 Canterbury Rd Manistee MI 49660 | | |
| Phone #: | Cell#: 231-459-5777 | e-mail: dianasjh90@gmail.com |
| Property Information | | |
| Address: 505 Pine St Manistee MI 49660 | | Parcel # 51-371-701-16 |
| Present/proposed Land Use: To get land use to construct garage on North side of house | | |
| Names and addresses of all persons, firms or corporations having a legal or equitable interest in the land: | | |
| None | | |
| List of Deed Restrictions (cite Liber & Page) and attach additional sheets if necessary: | | |
| N/A | | |
| Has a previous appeal been made with respect to this property? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | |
| If a previous appeal, re-zoning or special use permit application was made state the date, nature of action requested and the decision: | | |
| | | |
| Detailed Narrative of Request | | |
| State exactly what is intended to be done, on or with the property that necessitates a variance from the Zoning Board of Appeals. | | |
| I am respectfully asking the board to approve my request to construct a garage on north side of my house. Requesting a variance from 10 feet to property line on North side of parcel. The current fence is 6" off the property line and would like to get approval to build garage to that line. Attached is a photo. As you can see from the photo its extremely hard for me to get my car in the exciting garage now as the door is next to my house. Please take this is consideration to approve my request. The new garage will not pass the driveway that is in now | | |

| Detailed Request and Justification | | | |
|--|----------------------------------|--|--|
| | Identify each requested variance | Required by Zoning | Requested by Appellant |
| | Front Yard Set Back | From | To |
| | Side Yard Set Back | From 10' North | To property line |
| | Side Yard Set Back | From | To |
| | Rear Yard Set Back | From | To |
| | Waterfront Set Back | From | To |
| | Height | From | To |
| | Lot Coverage | From | To |
| | Off Street Parking | From | To |
| | Other: | From | To |
| Please Mark all characteristics of your property which require the granting of a variance | | | |
| | Too Narrow | Explain: Parcel is too narrow for a decent size garage | |
| | Too Small | Explain: | |
| | Too Shallow | Explain: | |
| | Elevation (height) | Explain: | |
| | Slope | Explain: | |
| | Shape | Explain: | |
| | Soil | Explain: | |
| | Other: | Explain: | |
| Specific Variance | | | |
| <p>The Board shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height regulations, yard and depth regulations, and off-street parking and loading space requirements provided it finds that all of the Basic Conditions and any one (1) of the Specific Conditions set forth herein can be satisfied. The appellant shall submit, along with the established fee and other materials, a narrative demonstrating why a variance is sought.</p> | | | |
| <p>Basic Conditions - The Board shall find that a variance request meets all of the following conditions.</p> | | | |
| <p>1. The requested variance is not contrary to the public interest or to the intent and purpose of this Ordinance.</p> | | | <input type="checkbox"/> yes <input type="checkbox"/> no |
| Justification: | | | |
| <p>2. The requested variance does not establish a use that is not permitted by right or by a special use permit in the zoning district.</p> | | | <input type="checkbox"/> yes <input type="checkbox"/> no |
| Justification: | | | |
| <p>3. The requested variance does not create an adverse effect upon properties in the immediate vicinity or in the district.</p> | | | <input type="checkbox"/> yes <input type="checkbox"/> no |
| Justification: | | | |
| <p>4. The requested variance is not of a recurrent nature to require a change in the Zoning Ordinance.</p> | | | <input type="checkbox"/> yes <input type="checkbox"/> no |
| Justification: | | | |
| <p>5. The requested variance is for property under the control of the applicant</p> | | | <input type="checkbox"/> yes <input type="checkbox"/> no |
| Justification: | | | |
| <p>6. The requested variance was not self-created by the applicant or property owner.</p> | | | <input type="checkbox"/> yes <input type="checkbox"/> no |
| Justification: | | | |

| | |
|---|---|
| 7. <i>There is not an alternative that would allow the improvement to the property without the requested variance.</i> | <input type="checkbox"/> yes <input type="checkbox"/> no |
| Justification: | |
| 8. <i>The requested variance is the minimum amount necessary to still permit the reasonable use of the land.</i> | <input type="checkbox"/> yes <input type="checkbox"/> no |
| Justification: | |
| Special Conditions - When all of the foregoing basic conditions can be satisfied, a variance may be granted when any one (1) of the following special conditions can be clearly demonstrated: | |
| <i>Are there practical difficulties with the property that prevents full compliance with the requirements of the ordinance? [Practical difficulties are evaluated in terms of the use of the parcel. Neither the fact the appellant could incur additional costs to achieve full compliance or receive additional income with less than full compliance are to be considered]</i> | <input type="checkbox"/> yes <input type="checkbox"/> no |
| Justification: | |
| <i>Is there an exceptional or extraordinary circumstance or physical condition (narrowness, shallowness, shape or topography) of the property or to the proposed use that does not apply to other properties or uses in the same zoning district?</i> | <input type="checkbox"/> yes <input type="checkbox"/> no |
| Justification: | |
| <i>Is the requested variance for a right possessed by other properties in the same zoning district?</i> | <input type="checkbox"/> yes <input type="checkbox"/> no |
| Justification: | |
| Site Plan Requirements | |
| The applicant is responsible to provide a survey and legal description (unless waived by the Zoning Administrator) as follows: | |
| | The property, identified by parcel lines and location and size |
| | The scale, north point. |
| | Natural features such as woodlots, waterbodies, wetlands, high risk erosion areas, slopes over 25%, beach, sand dunes, drainage and similar features. |
| | The location of proposed and main and accessory buildings, existing structures, fences on the site, the height of all buildings, square footage of floor space and set-backs. |
| | The proposed driveway, if any. |
| | If the parcel is a result of a parcel split resulting after the adoption of this ordinance, then the required site plan shall show all structures and buildings, drawn to scale, that are located on the adjacent property. |
| | Location dimensions of existing and proposed man-made features such as buildings, structures, utility easements, water, storm sewer and sanitary sewer lines, storm water drainage and retention lines. |
| | Surface and subsurface storm water drainage and retention systems for paved, roof, and other impermeable surfaces on the site |
| | Neighboring driveways, and other vehicular circulation features within and adjacent to the site; also the location, size and number of parking spaces in the off-street parking areas and identification of service lanes and service parking |
| | Any proposed alterations to the topography and other natural features shall be indicated. |
| | Any proposed location of connections to existing utilities and proposed extensions thereof. |
| | A description of the proposed development |
| | A vicinity map showing the location of the site in relation to the surrounding street system. |

Article 22
Section 2203
(c)

Rules – The following rules shall be applied in the granting of variances

The Board may specify, in writing, such conditions regarding the character, location, and other features that will in its judgment, secure the objectives and purposes of this Ordinance. The breach of any such condition shall automatically invalidate the permit granted.

Each variance granted under the provisions of this Ordinance shall become null and void unless: The construction authorized by such variance has received a City zoning permit within one (1) year after the granting of the variance; and the occupancy of land, premises, or buildings authorized by the variance has taken place within one (1) year after the granting of the variance, unless an extension of time has been granted by the Zoning Board of Appeals.

No application for a variance which has been denied wholly or in part by the Board shall be re-submitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence of changed conditions found, upon inspection by the Board, to be valid. For such newly discovered evidence to be considered, an applicant shall submit a detailed description of such evidence to the Zoning Administrator who shall place it on the agenda of the Zoning Board of Appeals along with a report and recommendation on the nature of such newly discovered evidence and whether it may have been pertinent to the decision of the Zoning Board of Appeals. If the Zoning Board of Appeals determines that the newly discovered evidence would have been pertinent to its decision, it shall direct the Zoning Administrator to accept a new application for the previously denied variance. An application considered under the terms of this subparagraph shall be considered a new application and shall be subject to all hearing, notice and fee requirements of this Ordinance.

Authorization

AFFIDAVIT:

The undersigned acknowledges that if a variance is granted or other decisions favorable to the undersigned is rendered upon this appeal, the said decision does not relieve the applicant from compliance with all other provisions of the City of Manistee Zoning Ordinance; the undersigned further affirms that he/she or they is (are) the (owner/lessee/authorized agent for the owner) involved in the appeal and the answers and statements herein contained and the information herewith submitted are in all respects true and correct to the best of his, her or their knowledge and belief. By signing this affidavit permission is given for Zoning Board of Appeals Members to make a site inspection if necessary.

Signature: Dale R. Cooper, Jr. Date: 4/8/2019

Signature: [Signature] Date: 4/8/19

☐ Fee of \$750.00 enclosed and Site Plan for project attached (request cannot be issued without site plan)

Office Use Only

Fee: ☒ \$750.00

Receipt #

Date Received:

Hearing Date:

ZBA-

4/23/2019

Dale Cooper JR
505 Pine St
Manistee, MI 49660

City of Manistee
Zoning Administrator
395 Third St
Manistee MI 49660

Zoning Appeal

I am asking the appeals to please consider the setback requirements for building a new garage.

I am having problems with my health entering my home from the front porch, as you can see from the photo attached the garage the is in place now is extremely hard for me to get my car inside as it is to close to my house. For the past 5 years I have not parked my vehicle inside as I have hit the side on many occasions. The existing garage sites back 12.5 feet back from the property line now, I am asking to go 1' 8" off the line in order to get a 9' garage door and 1 3/0 entry door. This will make it possible for me to enter the home from the garage without going up on the front steps. I am hoping the BZA takes this request serious considering as no two home are exactly alike, some property have wider lines which makes it possible to have a usable attached garage.

1. If granted this variance and the resulting lot lines will not alter the essential charter of the neighborhood or threaten the health and safety of general welfare of the public, and as a result will not violate the basic objectives of the zoning ordinance. Denial would result an unnecessary hardship on myself as I cannot enter my home from the attached front porch during extreme bad weather conductions or as I age make it harder no matter what the weather calls for.
2. To move the new garage to the North property line does not impede on the neighbor's property. On many occasions Mr. Goodspeed has told me it would be ok to build closer to his church. I am not asking for a special use permit. The request is only for a setback to property line or slightly off the line.
3. The request to build does not create adverse effect on nearby property's, does not obstruct any view. I am only asking for 10 more feet to the North to make it possible to use my garage
4. No need to change the Zoning ordinance as many homeowners have lots that are much wider the mine. Changing is not required as each request for a hardship should be look as an induvial basics. As I mention before all properties are not the same, with mine being so narrow this makes it hard to build an attached garage with the lot being so

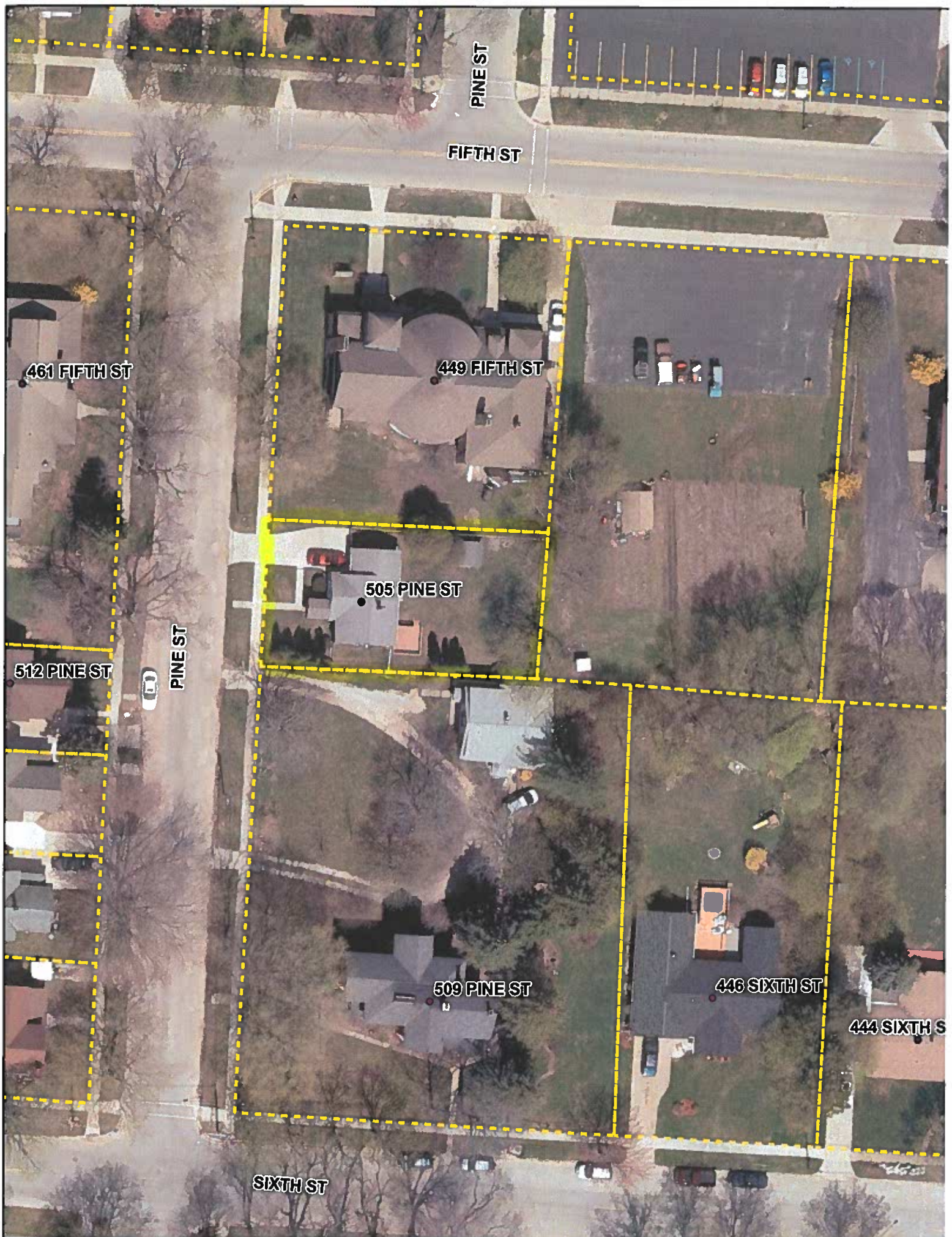
narrow. BZA should look at case by case determining if a hardship is should be approved. Even though I have a building now I cannot use it to park my vehicle in it

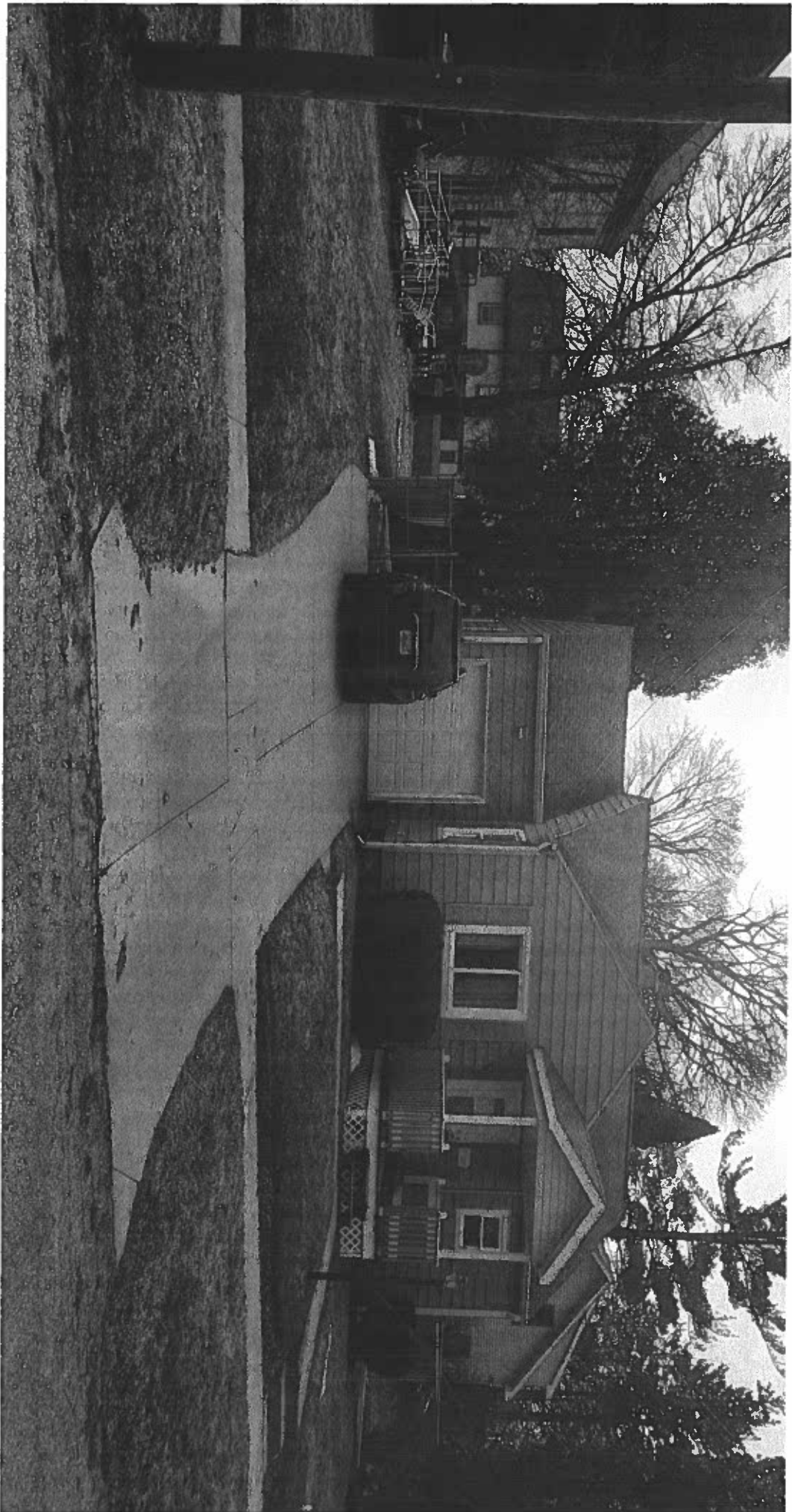
5. The request is only for what I own now. I do not plan or wish to purchase any properties to make the setback.
6. This is not self-created, when the parcel was divided back in the days no considering was giving to homeowners that wanted a nice home and or an attached garage. For example, with a setback of 15 feet on each side and the property being 60 feet in length gives a homeowner to build any reasonable size home or attached garage. This only allows 30 feet to play with.

Sincerely.



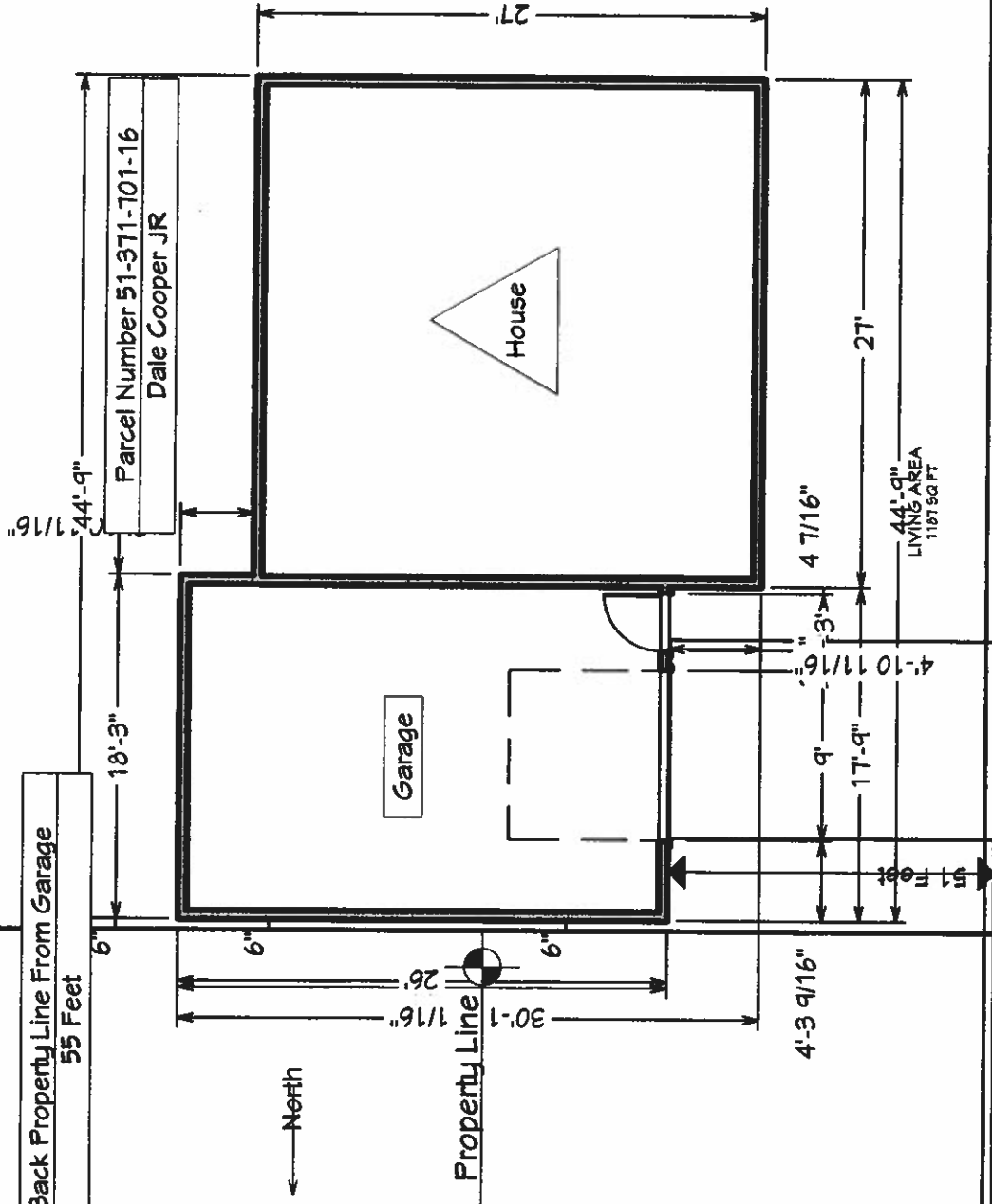
Dale Cooper JR
Owner
505 Pine St



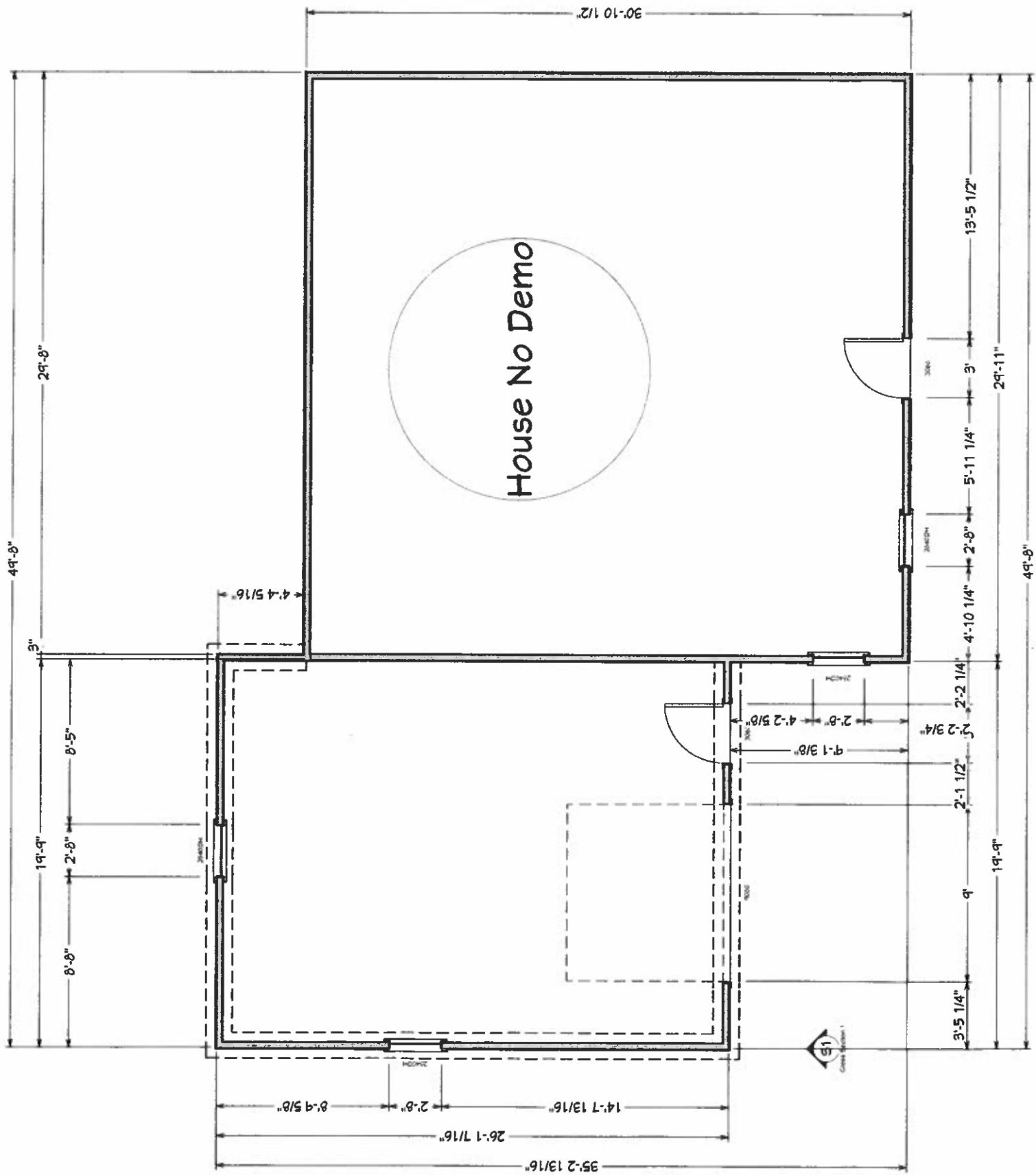


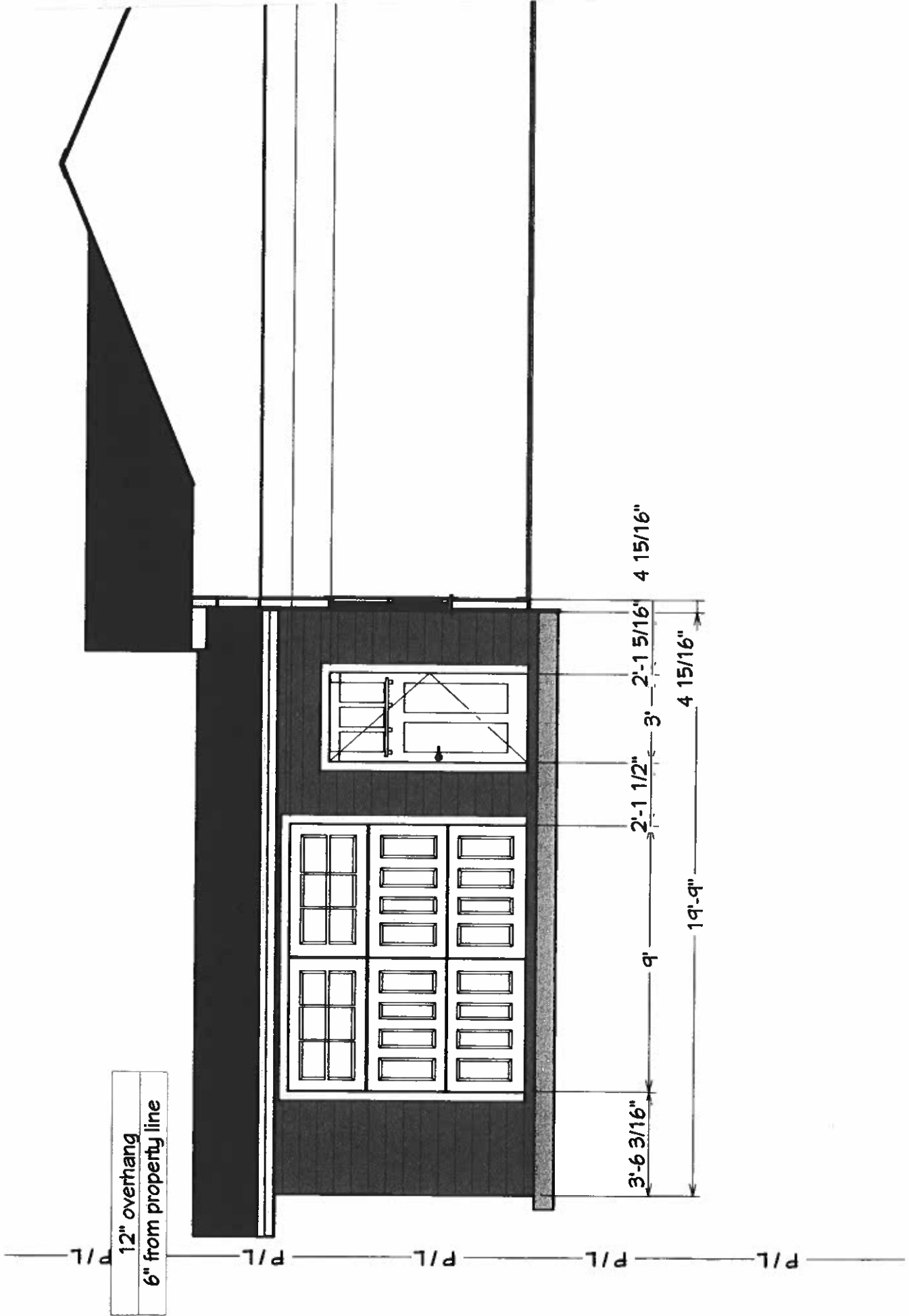
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1905

Back Property Line From Garage
55 Feet



Pine St





NEW LIFE TABERNACLE

449 FIFTH STREET • MANISTEE, MI 49660 • (231) 723-0753

Rev. A. L. Goodspeed, Pastor

Dale Cooper

505 Pine St

Manistee, Michigan 49660

To whom it may concern:

Mr. Cooper approached the church about his garage he would like to expand. We have no problem with him building it on the property line. He has always been a great neighbor and it gives us pleasure to write this letter on his behalf.

If you need and further information from the church, my cell number is 231-794-9073. I would be happy to come to a meeting and express this in person if necessary.

Thanks for taking the time to read this letter,

A handwritten signature in black ink, appearing to read "Pastor A.L. Goodspeed Jr.", followed by a large, stylized flourish.

Pastor A.L. Goodspeed Jr

4/27/2019

Mail - Dale Cooper Jr - Outlook

Outlook

Search



DJ

+ New message

Reply

Delete

Archive

Junk

Sweep



Favorites

Sent Items

Archive

Deleted Items

Add favorite

Folders

Inbox

Junk Email

1

Drafts

1

Sent Items

Deleted Items

Archive

contactys

Conversation Hist...

Unwanted

New folder

Garage construction changes



You forwarded this message on Wed 4/24/2019 2:37 PM

JH

JAMES K HANSEN <james.hansen001@comcast.net>

Wed 4/24/2019 1:35 PM

You



Based on the way it has been described to me I have no objections to the proposed changes.
James K Hansen

DJ

Dale Cooper Jr
(No message text)

Wed 4/24/2019 2:37 PM

DJ

Reply

JIM HANSEN
1- 770-329-2063



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365 with premium
Outlook features



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